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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT: Breidenbach et al  
SERIAL NO.: 09/842,371  
FILED: April 25, 2001  
FOR: Dual Cosmetic Container

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL

Applicant hereby petitions to make the above identified application special pursuant to 37 CFR 1.102 Advancement of Examination and M.P.E.P. 708.02 Petition To Make Special. A check in the amount of \$130 is enclosed to cover the fee.

This petition is necessary because Applicant has just learned that there is an infringing product actually on the market. The undersigned has made a comparison of the alleged infringing product with the claims of the application, and that, in the undersigned's opinion, some of the claims are unquestionably infringed. The undersigned has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. Applicant is submitting herewith one copy of each of the references deemed most closely related to the subject matter encompassed by the claims.

11/01/2004 SZEWDIE1 00000004 09842371

01 FC:1460

130.00 DP

Respectfully submitted,


Thomas A. O'Rourke

Reg. No.: 27,665  
BODNER & O'ROURKE, L.L.P.  
425 Broadhollow Road  
Melville, New York 11747  
(631) 423-2700



CERTIFICATE OF MAILING

I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 28<sup>th</sup> day of October, 2004.

  
Thomas A. O'Rourke

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PRELIMINARY AMENDMENT

Please amend the above identified application as follows:

11/01/2004 SZEWDIE1 00000005 09842371

01 FC:2201 88.00 OP  
02 FC:2202 153.00 OP

IN THE SPECIFICATION

Please amend the first paragraph on page 1, line 2 to read:

--The present application is a continuation-in-part of our co-pending application Serial No. 09/291670 filed April 14, 1999 now United States Patent No. 6,276,853. The disclosures of which are incorporated herein by reference. --



## IN THE CLAIMS

Please amend the claims to add the following new claims 42-58.

1.(Amended) A dual ended container comprising a sleeve that has a first end and a second end, each of said ends being adapted to receive a receptacle for containing a product and wherein the product in the first receptacle is different from the product in the second receptacle and at least one of the receptacles has a rollerball applicator for dispensing product from that receptacle and said rollerball applicator for dispensing product is positioned in one of said ends of said sleeve.

2.(Original) The dual ended container of claim 1 wherein the sleeve has a first section and a second section which are connected by a sidewall, said first section and the second section being opened at each of said ends and threaded so that they are adapted to receive a threaded end of a receptacle which contains a product.

3.(Original) The dual ended container of claim 1 wherein the sleeve has a first section and a second section which are connected by a sidewall, said first section and the second section being opened at each of said ends and being adapted to receive an opened end of a receptacle which contains a product.

4.(Original) The dual ended container of claim 3 wherein the sleeve and the receptacles have a cross section of the same shape.

5.(Original) The dual ended container according to claim 4 wherein the first section and the second section each have a conventional threaded cap inserted in the sleeve such that the caps are in a head to head relationship.

6.(Original) The dual ended container according to claim 4 wherein the

center axis of each end section is the same.

7.(Original) The dual ended container according to claim 6 wherein the center axis of the sleeve and each of the receptacles are the same.

8.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a product containing a fragrance and the other receptacle has a doe foot applicator for applying an eye product contained in said receptacle.

9.(Original) The dual ended container according to claim 8 where the product containing a fragrance is a perfume.

10.(Original) The dual ended container according to claim 9 wherein the eye product is an eye liner.

11.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a product containing a fragrance and the other receptacle has an applicator for applying an facial product contained in said receptacle.

12.(Original) The dual ended container according to claim 11 where the product containing a fragrance is a perfume.

13.(Original) The dual ended container according to claim 12 wherein the facial product is a powder.

14.(Original) The dual ended container according to claim 12 wherein the facial product is a cream.

15.(Original) The dual ended container according to claim 12 wherein said facial product is a concealer.

16.(Original) The dual ended container according to claim 12 wherein said facial product is a blemish control material.

17.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a product containing a fragrance and the other receptacle has an applicator for applying an nail product contained in said receptacle.

18.(Original) The dual ended container according to claim 17 where the product containing a fragrance is a perfume.

19.(Original) The dual ended container according to claim 18 wherein the nail product is a nail polish.

20.(Original) The dual ended container according to claim 18 wherein the nail product is a hardener.

21.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a facial product contained in said receptacle.

22.(Original) The dual ended container according to claim 21 wherein the facial product is a powder.

23.(Original) The dual ended container according to claim 21 wherein the facial product is a cream.

24.(Original) The dual ended container according to claim 21 wherein said facial product is a concealer.

25.(Original) The dual ended container according to claim 21 wherein said facial product is a blemish control material.



26.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a cosmetic serum.

27.(Original) The dual ended container according to claim 21 wherein the second receptacle contains nail product and an applicator for applying said nail product.

28.(Original) The dual ended container according to claim 27 wherein the applicator is a brush.

29.(Original) The dual ended container according to claim 21 wherein the second receptacle contains an eye product and an applicator for applying said eye product.

30.(Original) The dual ended container according to claim 29 wherein said applicator is a mascara brush.

31.(Original) The dual ended container according to claim 29 wherein said applicator is a doe foot applicator.

32. The dual ended container according to claim 29 wherein said applicator is a rollerball.

33.(Original) The dual ended container according to claim 11 wherein said second receptacle containing a facial product has a rollerball applicator.

34.(Original) The dual cosmetic container according to claim 1 wherein both of the receptacles have rollerball applicators and contain products containing a fragrance.

35.(Original) The dual cosmetic container according to claim 1 wherein both of the receptacles have rollerball applicators and both receptacles contain facial products.

36.(Original) The dual ended container according to claim 1 wherein the

receptacle having a rollerball applicator contains a first lip product and the other receptacle has a rollerball applicator for applying a second lip product contained in said receptacle.

37.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a lip product and the other receptacle has a rollerball applicator for applying a facial product contained in said receptacle.

38.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a lip product and the other receptacle has a rollerball applicator for applying a product having a fragrance contained in said receptacle.

39.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a lip product and the other receptacle has a rollerball applicator for applying an eye product.

40.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a lip product and the other receptacle has an applicator for applying an eye product.

41.(Original) The dual ended container according to claim 1 wherein the receptacle having a rollerball applicator contains a lip product and the other receptacle has an applicator for applying a nail product.

42.(New) A dual ended container comprising a sleeve, said sleeve having a body that has a first open end and a second open end, each of said ends being adapted to receive a receptacle containing a product and wherein the product in the first receptacle is different from the product in the second receptacle and at least one of the receptacles has

a rollerball applicator for dispensing product from that receptacle, said rollerball applicator being positioned in at least one of said ends so that the portion of the receptacle having said rollerball applicator is received by said end and secured thereto such that said rollerball applicator must be removed from said sleeve to apply the product in said applicator by said rollerball.

43.(New) The dual ended container of claim 42 wherein said sleeve has at one end thereof a first section extending inwardly from said end for receiving said rollerball applicator and said second end has a second section extending inwardly from said second end for receiving said second applicator, said first and second sections being separated from each other by a sidewall, said first section and the second section being threaded on an interior surface so that said first and second sections are adapted to receive a threaded end of said receptacle which contains a product.

44.(New) The dual ended container of claim 42 wherein the sleeve and the receptacles have cross sections of the same shape and the dimension of said cross sections are substantially the same.

45.(New) The dual ended container according to claim 41 wherein said first and second ends of said sleeve each have a threaded cap inserted in said sleeve, said threaded caps having a first end and a second end, said first end of each cap being open to receive said receptacle, and said second end being closed, said second end of said first cap contacting said second end of said second cap.

46.(New) The dual ended container according to claim 44 wherein said sleeve and each receptacle have a center axis and the center axis of each is the same.

47.(New) The dual ended container according to claim 42 wherein said

receptacle having a rollerball applicator contains a product containing a fragrance and said second receptacle has an applicator extending from said sleeve for applying a product contained in said receptacle.

48.(New) The dual ended container according to claim 47 where the product containing a fragrance is a perfume.

49.(New) The dual ended container according to claim 47 wherein the eye product is an eye liner.

50.(New) A liquid dispenser comprising a common double-ended cap with liquid dispenser bottles extending from opposite sides of said cap each of said bottles retained in axial alignment with another of said bottles, each said bottle having a dispensing end facing a dispensing end of said other bottle within said common double ended cap; wherein said common double-ended cap comprises separate caps attachable and separable at common edges; wherein said separate caps are rigid, forming an uninterrupted common double-ended cap and, wherein at least one of said liquid dispenser bottles includes a roller ball applicator.

51.(New) The liquid dispenser as in claim 50 wherein said bottles are retained axially within threaded receptacles located within said common double-ended cap.

52. (New) The liquid dispenser as in claim 50 wherein said caps are joined together by screwing male threads of one cap into female threads of another cap.

53. (New) The liquid dispenser as in claim 50 wherein said caps are joined together by a projecting boss of one cap snapping into a female receptacle of another cap.

54. (New) The liquid dispenser as in claim 53 wherein said boss includes

an undercut neck fitting into a cavity undercut through an opening in said receptacle.

55. (New) The liquid dispenser as in claim 50 wherein one cap includes a pair of protruding latch members insertable within corresponding recesses of the other cap of said pair of joinable caps.

56. (New) The liquid dispenser of claim 50 wherein said bottles are provided with differing decorative colors to distinguish their contents.

57. (New) A liquid dispenser comprising a common double-ended cap with a plurality of liquid dispenser bottles therein, each of said bottles retained in axial alignment with another of said bottles within said common double-ended cap, each said bottle having a dispensing end facing another dispensing end of said other bottle within said common double ended cap; wherein said common double-ended cap comprises separate caps joined by adhesive at common edges; and, wherein said separate caps are rigid, forming an uninterrupted common double-ended cap.

58. (New) A liquid dispenser comprising a common double-ended cap with liquid dispenser bottles extending from opposite sides of said cap each of said bottles retained in axial alignment with another of said bottles, each said bottle having a dispensing end facing a dispensing end of said other bottle within said common double ended cap; wherein said common double-ended cap is rigid and forming an uninterrupted common double-ended cap and, wherein at least one of said liquid dispenser bottles includes a roller ball applicator.

#### REMARKS

The present invention is patentable over the prior art because the prior art

does not teach or suggest a sleeve with a receptacle having a rollerball applicator for dispensing a product where the rollerball applicator portion of the receptacle is positioned in on end of the sleeve with a receptacle containing a different product is positioned in the other end of the sleeve.

A check in the amount of \$241.00 is enclosed to cover the fee for the additional claims.

Respectfully submitted,



Thomas A. O'Rourke

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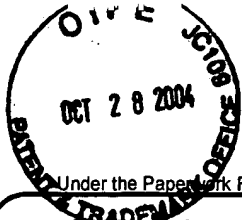
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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 28<sup>th</sup> day of October, 2004.

  
Thomas A. O'Rourke



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet \_\_\_\_\_ of \_\_\_\_\_

**Complete if Known**

Application Number	09/842,371
Filing Date	April 25, 2001
First Named Inventor	Breidenbach et al.
Art Unit	
Examiner Name	
Attorney Docket Number	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- D453,588		Breidenbach	
		US- 6,059,474		Huang	
		US- 4,308,879		Thornbloom	
		US- 4,972,858		Beck	
		US- 321,717 (DESIGN)		Hager	
		US- 5,509,742		Balzarini	
		US- 5,620,270		Gueret	
		US- 5,655,554		Goldberg	
		US- 5,762,077		Griffiths, Jr.	
		US- 5,897,262		Bratby-Carey	
		US- 6,450,179		Bengis	
		US- 4,509,875		Shintani	
		US- 4,600,327		Guzman	
		US- 4,600,328		Clements	
		US- 300,269 (DESIGN)		Cassai	
		US- 6,241,408		Lang	
		US- 4,979,840		Madaus	
		US- 5,203,638		Redmond, Jr.	
		US- 5,338,123		Obersteller	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

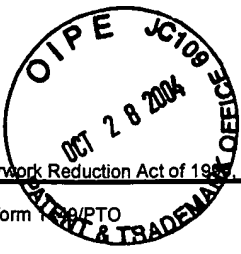
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		US- 6,612,764		Dumler	
		US- 5,895,160		Ginelli	
		US- 5,655,554		Goldberg	
		US- 5,338,123		Obersteller	
		US- 5,318,372		Besthorne	
		US- 5,056,179		Capponi	
		US- 5,040,914		Fitjer	
		US- 4,993,858		Mock	
		US- 4,902,151		Asano	
		US- 4,886,080		Cole	
		US- 295,878 (DESIGN)		Lovell	
		US- 4,549,827		Mack	
		US- 4,509,875		Shintani	
		US- 5,941,254		Heler	
		US- 6,276,853		Breidenbach	
		US- 164,327 (DESIGN)		Roehrich	
		US- 322,391 (DESIGN)		Morane	
		US- 325,342 (DESIGN)		Balavich	
		US- 344,017 (DESIGN)		Lang	

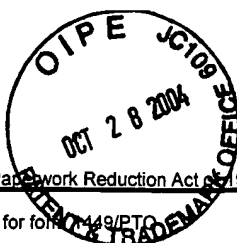
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		US- D370,088		Burns	
		US- D391,166		Lang	
		US- 2,264,482		Ridner	
		US- 3,156,272		Indrunas	
		US- 3,335,854		Landen	
		US- 4,872,774		Rosso	
		US- D445,024		Breidenbach	
		US- D262,606		Kaufmann	
		US- D322,750		Sommer	
		US- D343,699		Yang	
		US- D422,748		Lang	
		US- D425,412		Breidenbach	
		US- 3,592,202		Jones	
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		US- 5,803,268		Levy	
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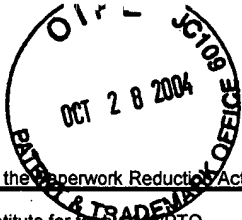
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		US- 2,110,237		Parsons	
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		US- 4,444,324		Grenell	
		US- 5,373,940		Hillelson	
		US- 5,927,884		Kao	
		US- D453,589		Breidenbach	
		US- 1,928,998		Kovacs	
		US- D287,168		Kingsford	
		US- 5,061,103		Walsh-Smith	
		US- 5,778,902		Nagy	
		US- D408,592		Litton	
		US- D438,469		Breidenbach	
		US- D344,017		Lang	
		US- D345,915		Fareri	
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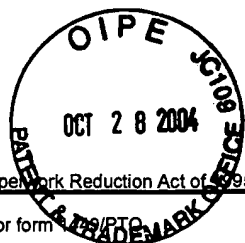
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Sheet _____ of _____	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Application Number</td> <td>09/842,371</td> </tr> <tr> <td>Filing Date</td> <td>April 25, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Breidenbach, et al.</td> </tr> <tr> <td>Art Unit</td> <td></td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Attorney Docket Number</td> <td></td> </tr> </table>	Application Number	09/842,371	Filing Date	April 25, 2001	First Named Inventor	Breidenbach, et al.	Art Unit		Examiner Name		Attorney Docket Number	
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		US- 4,174,035		Wiegner	
		US- 5,652,143		Gombrich	
		US- D425,412		Breidenbach	
		US- D156,018		Lewis	
		US- D161,036		Norriss	
		US- D241,120		Dekker	
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		US- D262,606		Kaufmann	
		US- D294,804		Lunderman	
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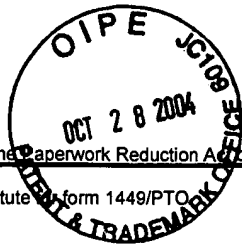
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Examiner Signature	Date Considered	
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Substitute Form 1449/PTO

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Application Number	09/842,371
Filing Date	April 25, 2001
First Named Inventor	Breidenbach et al.
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Examiner Name	
Attorney Docket Number	

Sheet

of

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		US- D390,117		Kan	
		US- 400,491		Ross	
		US- 2,577,577		Groh	
		US- 3,696,919		Miles	
		US- 3,856,138		Maekawa	
		US- 4,133,445		Mandelbaum	
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		US- 4,174,035		Wiegner	
		US- 4,196,808		Pardo	
		US- 4,300,681		Klygis	
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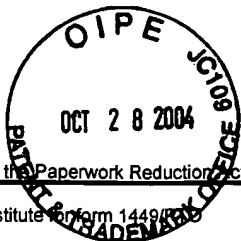
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Examiner Name	
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**INFORMATION DISCLOSURE  
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		US- 5,469,980		O'Meara	
		US- 5,525,299		Lowe	
		US- 5,526,960		Breidenbach	
		US- 5,586,694		Breidenbach	
		US- 5,590,780		O'Meara	
		US- 5,652,143		Gombrich	
		US- 5,738,067		Landwehr	
		US- 5,799,838		Miller	
		US- 5,803,268		Levy	
		US- 5,810,495		McAuley	
		US- 5,813,529		Goserud	
		US- 5,833,654		Powers	
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		US- 5,897,265		Wilson	
		US-			

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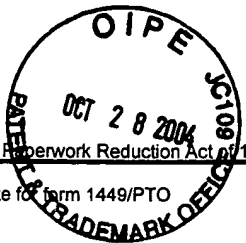
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		US- 6,276,856		Pieper	
		US- 3,690,777		Costa	
		US- 3,320,962		Moriber	
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